

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Robert M. Charles, Jr. NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**USACM Trust's Motion to Amend
Court's Order Sustaining Second
Omnibus Objections Re: The SVRB
2.325 Loan**

Date of Hearing: November 15, 2011

Time of Hearing: 9:30 a.m.

Estimated Time for Hearing: 10 minutes

The USACM Liquidating Trust (the "USACM Trust") moves to amend the Order regarding the Second Omnibus Objection to Proofs of Claim Based Upon Investment in the SVRB 2.325 Loan ("SVRB 2.325 Loan")[DE No. 8827] ("Objection") as it relates to Proof of Claim 10725-02014 (the "Canepa Claim") by the Canepa Defined Benefit Pension Plan ("Canepa"). On September 30, 2011, the Court heard the omnibus objection to claims arising from the SVRB 2.325 Loan. At the hearing, the Court indicated that it would allow 20% of each of the SVRB 2.325 claims and disallow the remaining 80% of each claim.

When the USACM Trust processes the allowed Direct Lender claims related to the SVRB 2.325 Loan, it will be unable to pay the Canepa Claim because, based upon the

1 objections and forms of order filed with the Court by the USACM Trust, the Court
2 allowed the Canepa Claim in an “unknown” amount.

3 In order to put a dollar amount on the Canepa Claim, counsel for the Trust reviewed
4 the relevant proof of claim and loan file. Based upon that review, counsel believes Canepa
5 invested \$40,000 in the SVRB 2.325 Million Loan. Therefore, the USACM Trust would
6 propose that \$40,000 be deemed to be the amount of the Canepa Claim as it relates to the
7 SVRB 2.325 Million Loan.

8 So as not to delay making distributions on the SVRB 2.325 claims, the USACM
9 Trust intends to upload a form of order related to the Objection that will still include the
10 “unknown” amount for the Canepa Claim. Assuming the order is approved, the USACM
11 Trust will then make distributions based upon the allowed claims. Later, when the Court
12 hears this motion on November 15, 2011, the USACM Trust will ask the Court to amend
13 its order regarding the Objection so that the Canepa claim is allowed for a specific amount
14 as shown in **Exhibit A**, attached. The USACM Trust requests such additional relief as the
15 Court may deem proper.

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17 LEWIS AND ROCA LLP

18 By s/ John Hinderaker (AZ 18024)
19 Robert M. Charles, Jr., NV 6593
20 John Hinderaker, AZ 18024 (*pro hac vice*)
21 3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
E-mail: JHinderaker@lrlaw.com
Attorneys for the USACM Liquidating Trust

22 Copy of the foregoing
23 Mailed by first class postage
24 Prepaid U.S. Mail to the parties listed on
25 Exhibit A attached.

26 S. Renee Creswell
Lewis and Roca LLP